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Division

13 Public order offences

Australian and New Zealand Standard Offence Classification (ANZSOC)

Reference period: 2011

Released 2/06/2011

Division 13 - Public order offences

Offences relating to personal conduct that involves, or may lead to, a breach of public order or decency, or that is indicative of criminal intent, or that is otherwise regulated or prohibited on moral or ethical grounds. In general these offences do not involve a specific victim or victims; however some offences, such as offensive language and offensive behaviour, may be directed towards a single victim.

This division is further disaggregated into subdivisions on the basis of whether or not the behaviour is regulated.

Offences in this division are classified into the following subdivisions:

131 Disorderly conduct

132 Regulated public order offences

133 Offensive conduct

Subdivision

131 Disorderly conduct

Subdivision 131 Disorderly conduct

Offences involving personal conduct that is disorderly or is indicative of criminal intent.

This subdivision is further disaggregated on the basis of the type of disorderly conduct.

Offences in this subdivision are classified into the following groups:

1311 Trespass

1312 Criminal intent

1313 Riot and affray

1319 Disorderly conduct, nec

1311 Trespass

An unlawful and unwarranted intrusion upon the land or property of another, not involving any further criminal intent.

Inclusions:

Unlawfully on premises

Trespass without intent to commit a crime

Enter restricted areas at major events

Exclusions:

Unlawfully on premises with intent, or in possession of materials indicating intent. These are coded to Group 0711, Unlawful entry with intent/ burglary, break and enter.

Destruction of, or damage to, property. These are coded to the relevant groups within Subdivision 121, Property damage.

1312 Criminal intent

Associating with criminal offenders, or behaving in a manner, or possessing tools, clothing or other material, that indicates an intent to commit a criminal offence.

Inclusions:

Go equipped to steal

Possess instruments used for theft or burglary

Face blackened at night

Possess articles of disguise

Possess any object with intent to destroy or damage property

Exclusions:

Unlawfully on premises with intent, or in possession of materials indicating intent. These are coded to Group 0711, Unlawful entry with intent/ burglary, break and enter.

1313 Riot and affray

A public disturbance involving acts or threats of violence for a common purpose by an assemblage of persons.

Inclusions:

Take part in a riot

1319 Disorderly conduct, nec

Disorderly conduct not elsewhere classified in Subdivision 131, Disorderly conduct.

Inclusions:

Disorderly behaviour in a public place

Desecrate graves/interfere with corpse

Throw stones not causing injury

Hoaxes causing public nuisance

Exclusions:

Unlawfully use animal. These are coded to Group 1334, Cruelty to animals.

Riot and affray. These are coded to Group 1313, Riot and affray.

Vilify or incite hatred on racial, cultural, religious or ethnic grounds. These are coded to Group 1333, Vilify or incite hatred on racial, cultural, religious or ethnic grounds.

Bomb threats. These are coded to Group 0532, Threatening behaviour.

Hoax calls to emergency services. These are coded to Group 1549, Offences against government operations, nec.

Subdivision**132 Regulated public order offences****Subdivision 132 Regulated public order offences**

Offences involving behaviour that is regulated or prohibited on moral or ethical grounds.

This subdivision is further disaggregated on the basis of the type of regulated public order activity involved.

Offences in this subdivision are classified into the following groups:

1321 Betting and gambling offences

1322 Liquor and tobacco offences

1323 Censorship offences

1324 Prostitution offences

1325 Offences against public order sexual standards

1326 Consumption of legal substances in regulated spaces

1329 Regulated public order offences, nec

Inclusions:

Regulated activities governing public order standards

1321 Betting and gambling offences

Offences arising from the operation of illegal betting or gaming, or breaches of rules or regulations that apply to legal betting or gaming operations.

Inclusions:

Offences involving the breach of rules of regulated gaming operations

Offences involving unregulated gaming operations

1322 Liquor and tobacco offences

The production, and/or sale or purchase of, alcoholic or tobacco products without a licence or in breach of licensing conditions.

Inclusions:

Sale of liquor or tobacco to a minor

Sale of alcohol products without a licence

Sale of alcoholic products in contravention of licence conditions

Purchase of alcoholic products in contravention of licence conditions

Exclusions:

Consumption of legal substances in regulated spaces. These are coded to Group 1326, Consumption of legal substances in regulated spaces.

1323 Censorship offences

The production, possession, distribution or display of prohibited or controlled pornographic or other material in written, photographic, film, video or other format.

Exclusions:

Procure a child for child material abuse offences. These are coded to Group 0321, Non-assaultive sexual offences against a child.

Child abuse material offences. These are coded to Group 0322, Child abuse material offences (previously labelled "Child pornography offences").

1324 Prostitution offences

Offences involving the sale or purchase of sexual services. The term 'prostitute' can be taken to mean either male or female prostitutes, and 'prostitution' can be taken to mean prostitution of either a male or female person.

Exclusions:

Sexual servitude offences. These are coded to Group 0323, Sexual servitude offences.

Sexual assault (including rape) of prostitutes. These are coded to Group 0311, Aggravated sexual assault; or Group 0312, Non-aggravated sexual assault.

1325 Offences against public order sexual standards

Engaging in sexual behaviour that does not involve physical assault on another, but that is likely to be offensive to members of the public, or that otherwise involves a prohibited form of intercourse.

Inclusions:

Bestiality

Flashing

Streaking

Lewdness

Necrophilia

Exclusions:

Prostitution offences. These are coded to Group 1324, Prostitution offences.

Non-assaultive sexual offences against a child. These are coded to Group 0321, Non-assaultive sexual offences against a child.

Child pornography offences. These are coded to Group 0322, Child pornography offences.

Sexual servitude offences. These are coded to Group 0323, Sexual servitude offences.

1326 Consumption of legal substances in regulated spaces

Actions involving the consumption of legal substances (e.g. alcohol or tobacco) in prohibited or regulated public spaces.

Inclusions:

Drink alcohol in an alcohol free zone

Possess alcohol in an alcohol free zone

Smoke in a designated non-smoking area

Exclusions:

The production, and/or sale or purchase, of alcoholic or tobacco products without a licence or in breach of licensing conditions. These are coded to Group 1322, Liquor and tobacco offences.

1329 Regulated public order offences, nec

Regulated public order offences not elsewhere classified in Subdivision 132, Regulated public order offences.

Inclusions:

Breach of euthanasia legislation not amounting to murder, manslaughter, attempted murder or assault

Advertise/seek out a surrogate mother

Exclusions:

Kill an unborn child/infanticide. These are coded to Group 0131, Manslaughter.

Procure or commit illegal abortion. These are coded to Group 1695, Procure or commit illegal abortion.

Subdivision

133 Offensive conduct

Subdivision 133 Offensive conduct

Offences involving personal conduct that is deemed offensive to members of the public.

This subdivision is further disaggregated on the basis of the type of offensive conduct.

Offences in this subdivision are classified into the following groups:

1331 Offensive language

1332 Offensive behaviour

1333 Vilify or incite hatred on racial, cultural, religious or ethnic grounds

1334 Cruelty to animals

1331 Offensive language

The use of abusive, invective or improper verbal language that is likely to be considered offensive by another person.

1332 Offensive behaviour

Behaviour of a non-verbal kind that is likely to be considered offensive by another person.

Inclusions:

Vagrancy

Begging

Public drunkenness

Coarse forms of gesticulation

Engage in intercourse in front of a minor/child (unless there is an intent to force the child to watch)

Busk without a permit

Exclusions:

Force a minor/child to witness an act of sexual intercourse. These are coded to Group 0321, Non-assaultive sexual offences against a child.

1333 Vilify or incite hatred on racial, cultural, religious or ethnic grounds

Offences involving the incitement of hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the grounds of their race, culture, religion or ethnicity.

Exclusions:

Vilify or incite hatred resulting in physical harm. These are coded to Division 02, Acts intended to cause injury.

Vilify or incite hatred resulting in property damage. These are coded to Division 12, Property damage and environmental pollution.

1334 Cruelty to animals

An act that causes suffering, pain, harm, or puts an animal's life in danger or causes death. It can be in the form of neglect to tame animals by not giving food and water or training animals by use of physical force.

Inclusions:

Unlawfully use animal

Breach cruelty to animal legislation

Exclusions:

Flora and fauna offences. These are coded to Group 1691 Environmental regulation offences.

Bestiality. These are coded to Group 1325, Offences against public order sexual standards.